

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE:

RIO PIEDRAS EXPLOSION LITIGATION CIVIL 96-2443CCC

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U.S. DISTRICT COURT  
SAN JUAN, P.R.

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**O R D E R**

The Motion for Summary Judgment filed by plaintiff José Santiago in Civil No. 97-2762 (**docket entry 2284**),<sup>1</sup> which was joined by plaintiffs Ramón Castro-Toro, Carlos Cortés-Rivera and the Estate of Augusto Agosto-Calderón in Civil No. 97-2770 (**docket entry 2632**), is DENIED. The record before us for summary judgment purposes, *i.e.* plaintiff's sworn statement and his Statement of Uncontested Facts, fail to establish the necessary facts for the Court to conclude as a matter of law that the defense of statutory employer is not available to defendant Enron. See Santiago-Hodge v. Parke Davis & Co., 909 F.2d 628 (1<sup>st</sup> Cir. 1990).

The Motion Requesting Designation of New Representative Cases filed by plaintiffs in Civil No. 97-1038 (**docket entry 2297**) is MOOT. New representative cases have already been designated by the Court (see docket entry 3068).

The Motion in Objection to Appearance and Deposition Subpoena filed by Dr. José Omar González in Civil No. 97-1123 (**docket entry 2368**), which remains unopposed, is GRANTED. If still needed, defendants shall reschedule the deposition of Dr. González and apply for any orders necessary for him to disclose medical records in his possession.

The Urgent Motion for Hearing to Enforce Settlement or to Set Representative Case for trial filed by plaintiffs in Civil No. 97-1172 (**docket entry 2665**), having considered the Enron Defendants' Informative Motion filed under seal (**docket entry 3084**), is DENIED.

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<sup>1</sup>Although the motion was also filed by plaintiff Eusebio Payano in Civil 97-1207, the Court NOTES that his claim was settled.

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Defendants' Supplemental Motion to Compel Plaintiff Rosa Pérez filed in Civil No. 97-1173 (**docket entry 3040**) is MOOT, in view of the Motion for Voluntary Dismissal filed in said case (**docket entry 3087**).

The Motion Requesting an Extension of Time to Reply to Interrogatories filed by plaintiffs in Civil Nos. 97-2668 and 97-2669 (**docket entry 3043**) is MOOT.

The Motion Requesting Leave to File Sur-reply filed by plaintiffs in Civil No. 97-2721 (**docket entry 3055**) is MOOT.

The Informative Motion filed by plaintiffs in Civil Nos. 97-2711 and 97-2712 (**docket entry 3071**) is NOTED. However, the request for extension of time contained in said motion is MOOT.

The Motion in Regard to Settlement of Cases filed by plaintiffs in Civil Nos. 97-1287 and 97-1916 (**docket entry 3072**) is NOTED.

The Motion for Leave to File Reimbursables and Accounts of Former Member of the PSC Andrés Guillemard-Noble Under Seal (**docket entry 3073**) is GRANTED.

The Motion Withdrawing Motion to Compel filed by defendant Enron Corporation in Civil No. 96-2572 (**docket entry 3076**) is GRANTED. Accordingly, the Motion for an order compelling plaintiff Luis F. Albelo-Carrasquillo to undergo a psychiatric examination (**docket entry 2991**) is DEEMED WITHDRAWN, without prejudice.

The Motion Withdrawing Motion to Compel filed by defendant Enron Corporation in Civil No. 97-1186 (**docket entry 3077**) is GRANTED. Accordingly, the Motion for an order compelling plaintiff Yarilis Rodríguez-Pagán to undergo a psychiatric examination (**docket entry 2992**) is DEEMED WITHDRAWN, without prejudice.

The Motion Requesting Leave to File Document Under Seal filed by defendants in Civil No. 97-1172 (**docket entry 3083**) is GRANTED.

The Enron Defendants' Motion to File Exhibits in Spanish filed in Civil No. 97-1172 (**docket entry 3088**) is GRANTED.

The Motion Withdrawing Motion to Compel filed by defendant Enron Corporation in Civil No. 96-2572 (**docket entry 3090**) is GRANTED. Accordingly, the Motion for an order

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compelling plaintiff Cariangelis Albelo-Carrasquillo to undergo a psychiatric examination (**docket entry 2991**) is DEEMED WITHDRAWN, without prejudice.

The Motion Withdrawing Motion to Compel filed by defendant Enron Corporation in Civil No. 97-1207 (**docket entry 3091**) is GRANTED. Accordingly, the Motion for an order compelling plaintiff Alexandra Rivera-De-Jesús to undergo a psychiatric examination (**docket entry 2993**) is DEEMED WITHDRAWN, without prejudice.

The Request for Settlement Hearing filed by the Puerto Rico Telephone Company (**docket entry 3092**) shall be referred to Judge Ward.

The Motion for Leave to File Statements of Reimbursables and Accounts of the PSC Under Seal (**docket entry 3107**) is GRANTED.

The Motion for Leave to File Statements of Reimbursables and Accounts of Jorge Ortiz Brunet Under Seal (**docket entry 3109**) is GRANTED.

The Court having granted the sixty eight remaining plaintiffs in Civil No. 97-1172 until June 30, 2001 to respond to the interrogatories and requests for production of documents previously served by defendants (see docket entry 3111), all the motions to compel and/or to dismiss filed by defendants in said case which are related to written discovery and which the docket lists as being pending (**docket entries 2825, 2826, 2827, 2828, 2831, 2832, 2833, 2834, 2835, 2836, 2837, 2838, 2839, 2840, 2841, 2842, 2843, 2844, 2845, 2846, 2847, 2848, 2849, 2850, 2851, 2852, 2853, 2854, 2855, 2856, 2857, 2858, 2859, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2867, 2868, 2869, 2870, 2871, 2872, 2873, 2874, 2875, 2876, 2877, 2878, 2879, 2880, 2881, 2882, 2883, 2884, 2885, 2886, 2887, 2888, 2889, 2890, 2891, 2892, 2966, 2969, 2970, 2971, 2994, 2995, 2996, 2997, 2998, 2999, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038 & 3039**) are deemed MOOT. Plaintiffs' Motion for Reconsideration of Order Regarding Discovery (**docket entry 2714**) is also MOOT. The docket shall so reflect.

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The Motion to Join filed by plaintiffs in Civil Nos. 97-2668 and 97-2690 (**docket entry 3152**) is NOTED.

The Motion Requesting Withdrawal of Counsel of Record filed by attorney Idalia Marie Díaz-Pedroza in Civil No. 97-2690 (**docket entry 3153**) is GRANTED. The Clerk and the parties shall take notice that plaintiffs in said case will continue to be represented by attorney Federico Ducoudray-Acevedo (see docket entry 3168).

The Motion Requesting Withdrawal of Counsel of Record filed by attorney Idalia Marie Díaz-Pedroza in Civil No. 97-2688 (**docket entry 3154**) is GRANTED. The Clerk and the parties shall take notice that plaintiffs in said case will continue to be represented by attorney Federico Ducoudray-Acevedo (see docket entry 3167).

Enron's Motion Requesting an Extension of Time to Answer Plaintiff's First Set of Interrogatories filed in Civil No. 97-1771 (**docket entry 3157**) is MOOT.

The Motion to Join filed by plaintiffs in Civil Nos. 97-2638 and 97-2690 (**docket entry 3161**) is NOTED.

The Motion For Leave to File Motion Under Seal filed by attorney Pedro J. Saadé-Lloréns (**docket entry 3176**) is GRANTED.

The Motion to Extend Time filed by plaintiffs in Civil No. 97-2738 (**docket entry 3182**) is MOOT.

The Motion for Leave to File Reimbursables and Accounts of Former Member of the Plaintiffs' Steering Committee Andrés Guillemard-Noble Under Seal (**docket entry 3185**) is GRANTED.

The Motion for Leave to File Statements of Reimbursables and Accounts of the PSC Under Seal (**docket entry 3192**) is GRANTED.

The Motion for Leave to File Statements of Reimbursables and Accounts of Jorge Ortiz-Brunet Under Seal (**docket entry 3194**) is GRANTED.

Enron's Motion Withdrawing Motion to Compel Plaintiff to Answer Discovery Requests filed in Civil No. 99-1337 (**docket entry 3227**) is GRANTED. Accordingly, the Motion to Compel (**docket entry 3173**) is DEEMED WITHDRAWN.

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Enron's Motion Withdrawing Motion for Contempt of Court Directed Against Third-Party filed in Civil No. 96-2638 (**docket entry 3228**) is GRANTED. Accordingly, the Motion for Contempt (**docket entry 3170**) is DEEMED WITHDRAWN.

Enron's Motion Withdrawing Motion to Compel Plaintiff to Answer Discovery Requests filed in Civil No. 99-1196 (**docket entry 3229**) is GRANTED. Accordingly, the Motion to Compel (**docket entry 3171**) is DEEMED WITHDRAWN.

SO ORDERED.

At San Juan, Puerto Rico, on September <sup>9<sup>th</sup></sup> 19, 2001.

  
CARMEN CONSUELO CEREZO  
United States District Judge